

Hope Irvin, et al. v. Katherine Wright, et al.
Donovan Ray Olvera

December 2, 2015
15cv00550 SCY-KBM

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

No. 15cv00550 SCY-KBM

HOPE IRVIN, as Personal Representative
of the ESTATE OF VINCENT WOOD, Deceased,
Plaintiff,

vs.

KATHERINE WRIGHT, individually and in her
Official capacity as an Albuquerque Police Officer
JEFFREY BLUDWORTH, individually and in his
Official capacity as an Albuquerque Police Officer,
and CITY OF ALBUQUERQUE,
Defendants.

DEPOSITION OF DONOVAN RAY OLVERA

December 2, 2015

9:00 a.m.

Trattel Court Reporting & Videography
609 12th Street, NW
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE THIS DEPOSITION WAS:

TAKEN BY: MS. FRANCES C. CARPENTER
ATTORNEY FOR THE PLAINTIFF

REPORTED BY: Penny E. McAlister, CCR, NM CCR #250
TRATTEL COURT REPORTING & VIDEOGRAPHY
P.O. Box 36297
Albuquerque, New Mexico 87176-6297

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Plaintiff's Motion for Summary Judgment
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<p style="text-align: right;">Page 6</p> <p>1 know, because I want to be clear. 2 A. Yes, ma'am. 3 Q. Your counsel will be making objections. You can 4 still answer unless she directs you not to answer. The 5 last thing is, what did you prepare -- what did you do to 6 prepare for your deposition today? 7 A. I had an e-mail advising me of the meeting, and I 8 met up with -- with Stephanie yesterday. 9 Q. You don't need to tell me what you guys talked 10 about. What did you review in preparation for your 11 deposition today? 12 A. The SOP 2-13, which is the mental illness. 13 Q. Okay. Well, we'll jump in, and we'll talk about 14 that first then, if that's all right. Did you review 15 anything else, other than this SOP? 16 A. No, ma'am. 17 Q. Did you have an opportunity to look at any of the 18 video, lapel videos for the shooting? 19 A. No, ma'am. 20 Q. Any of the police reports or statements that were 21 given? 22 A. No, ma'am. 23 Q. Do you recall this incident? 24 A. Vaguely. I was a newly promoted lieutenant at 25 the time, so I vaguely remember it.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Let me ask you about that a little bit. So in 2 some of the depositions -- like, for example, Officer 3 Altman, he was a sergeant during the time of this incident, 4 and he was explaining that because he's a sergeant, 5 sometimes, you know, you're listening to the calls -- 6 you're always listening to the calls, and if it involves 7 one of your officers, depending on the nature of the call, 8 he may go out to the call or not. 9 Do you do that, as well? Are you always 10 listening to the calls that are coming through to see if 11 there is one for crisis intervention, if crisis 12 intervention is called? 13 A. No, ma'am. My unit is a follow-up team. So 14 they're not really out there taking calls for service. So 15 their -- the majority of their day is following up on 16 cases. 17 Q. The majority of the day is following up on cases? 18 A. Yes, ma'am. 19 Q. Can you explain to me what that means? 20 A. An officer will take a call involving an 21 individual who they believe may be suffering from some form 22 of mental illness. Once their report is generated, they 23 send it off to the CIT detective. The CIT detective will 24 follow up on that, as well, to either do a house visit and 25 make sure that that individual is okay, offer resources, or</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. Let's talk about that before we -- before we get 2 into this SOP actually. The date of incident in this case 3 is July of 2013. In what capacity -- 4 MS. CARPENTER: Am I right about that date, 5 Stephanie? 6 MS. GRIFFIN: July 5, 2013. 7 MS. CARPENTER: Thank you, Stephanie. 8 Q. What was your job title with APD at that time? 9 A. At that time, I was the lieutenant for the Crisis 10 Intervention Team. 11 Q. And what does that mean, being a lieutenant for 12 the Crisis Intervention Team? 13 A. I oversaw the team and the COAST Unit. 14 Q. What were your responsibilities and duties? 15 A. Just to make sure that their operations and their 16 needs are met in order to maintain the proper function of 17 the unit. 18 Q. And did you often go to calls? 19 A. No. 20 Q. Is that because you're not supposed to, or you 21 just didn't? 22 A. I have a sergeant that responds. So there is a 23 chain of command, and that's his responsibility, and his 24 responsibility is to report to me anything that needs to be 25 brought up to my attention.</p>	<p style="text-align: right;">Page 9</p> <p>1 to see if a certification of evaluation is needed at the 2 time of his or her follow-up visit. So there are various 3 reasons for that. 4 Q. So let me give you an actual real example. In 5 this case, Mr. Wood -- there are several police reports 6 which indicate that Mr. Wood -- Mr. Wood's case -- I don't 7 know a better way of describing it. Let me know if you 8 don't understand what I'm saying, but there was -- for 9 example, there was a call involving Mr. Wood, who is the 10 deceased in this case. 11 He was found outside of a motel, and he was 12 rambling, and an officer responded. After speaking with 13 Mr. Wood, engaging with Mr. Wood, he decided to take 14 Mr. Wood to the VA Hospital, the mental health section of 15 the VA Hospital, and then in the report -- actually in the 16 report, it said forwarded to CIT Unit. 17 Is that what you mean when you say -- and I'm not 18 asking you to opine specifically on that case, but is that 19 typical what you would see -- your CIT Unit would see on a 20 report to follow up on, that it would say recommended or 21 referred to CIT? 22 MS. GRIFFIN: Objection; form and 23 foundation. Answer. 24 A. So it will go to CIT for them to -- for tracking 25 purposes, but not necessarily always a follow-up, because</p>

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<p style="text-align: right;">Page 10</p> <p>1 it just -- it just really depends on the case.</p> <p>2 Q. How does it get to CIT? So if that officer in</p> <p>3 that particular call made that referral to CIT, and then</p> <p>4 CIT -- how would CIT have gotten that from that officer?</p> <p>5 A. He would -- or she would have forwarded it either</p> <p>6 by e-mail. I think it's by e-mail now, or forwarded a</p> <p>7 hardcopy, interoffice it to the CIT Unit.</p> <p>8 Q. And then when the CIT Unit gets it, what happens</p> <p>9 then?</p> <p>10 A. Again, if your example states that he went to the</p> <p>11 VA's office, nothing, because there is nothing that the CIT</p> <p>12 detective can do that the VA Hospital already hasn't. So</p> <p>13 the VA Hospital would have already offered the resources,</p> <p>14 would have offered the psychological help that he or she</p> <p>15 needed, the behavioral science that he or she needed, but</p> <p>16 the officers do have knowledge of that individual.</p> <p>17 Q. Is Mr. Wood then put in a database, or is there</p> <p>18 something -- is there some record or log of what CIT did?</p> <p>19 Like if they got the report and looked at it and said,</p> <p>20 okay, well, here is this report. Mr. Wood was referred to</p> <p>21 the VA. Therefore, there is no further action necessary by</p> <p>22 CIT. Would there be some record of that?</p> <p>23 MS. GRIFFIN: Objection; form and</p> <p>24 foundation.</p> <p>25 A. I don't know if they would have done it. Again,</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Now, what is that tracking system called?</p> <p>2 A. It's just his own -- at the time, it was an Excel</p> <p>3 type sheet.</p> <p>4 Q. So what I'm trying to do during the course of</p> <p>5 this deposition -- it's a course of discovery. So I'm</p> <p>6 actually trying to find out the words that I need to use or</p> <p>7 otherwise so that I can explain that to Ms. Griffin, your</p> <p>8 counsel, that I'm looking for these certain things.</p> <p>9 So that's why I'm asking you for specifics,</p> <p>10 because I want to be clear with Stephanie, your counsel,</p> <p>11 what I'm asking for and what I'm looking for after the</p> <p>12 course of this deposition. Okay. So I need to get the</p> <p>13 database, you know, showing -- so can you -- what would</p> <p>14 I -- what would I ask for if I was looking for the</p> <p>15 sergeant's notes and Excel spreadsheet? How would that be?</p> <p>16 A. I don't know. I'm not there anymore, so I don't</p> <p>17 know how they do it now. I haven't been there in quite a</p> <p>18 while.</p> <p>19 Q. Do you know who the sergeant was in charge of CIT</p> <p>20 in 2013?</p> <p>21 A. Sergeant John Gonzales.</p> <p>22 Q. Sergeant John Gonzales. Now, did Mr. Gonzales --</p> <p>23 did he do all of the reports follow-up, or is there</p> <p>24 somebody else that also would have been handling them? Do</p> <p>25 you know?</p>
<p style="text-align: right;">Page 11</p> <p>1 I don't know in this situation.</p> <p>2 Q. Sure.</p> <p>3 A. If it's going to be followed up on, they will be</p> <p>4 logging onto the tracking.</p> <p>5 Q. But if there is not going to be -- if it's not</p> <p>6 going to be followed up on, is there a record of that?</p> <p>7 A. There was back then. I don't know if it's still</p> <p>8 there, because again, I'm not the chain of command.</p> <p>9 Q. Sure.</p> <p>10 A. It was just the sergeant would receive it, and</p> <p>11 then he would document and decide whether it should be</p> <p>12 followed up or not.</p> <p>13 Q. So no matter what, whether it was followed up or</p> <p>14 not followed up, if a report is forwarded to the CIT Unit,</p> <p>15 there should be some documentation from within the CIT Unit</p> <p>16 that they received said report and that they either</p> <p>17 followed up or didn't follow up.</p> <p>18 A. But I don't know how it's done now.</p> <p>19 Q. I'm not asking about now. Let me make that</p> <p>20 clear.</p> <p>21 A. Back then, it was.</p> <p>22 Q. Great. So back then, that would have been the</p> <p>23 protocol?</p> <p>24 A. The sergeant, if he were to assign it to</p> <p>25 somebody, it would be on a tracking system.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. You would have to ask him. He -- at the time, he</p> <p>2 had it, and he could have delegated that responsibility,</p> <p>3 but that's something you go would have to ask him.</p> <p>4 Q. Were there any other -- in 2013, were there any</p> <p>5 other sergeants with the CIT Unit?</p> <p>6 A. No, ma'am.</p> <p>7 Q. So CIT Unit only has one sergeant?</p> <p>8 A. Correct.</p> <p>9 Q. And is that still true today?</p> <p>10 A. I believe so, yes, ma'am.</p> <p>11 Q. And then there is a lieutenant, which is you now;</p> <p>12 right?</p> <p>13 A. No. I'm not there. I haven't been there in over</p> <p>14 a year now.</p> <p>15 Q. Oh, okay. But in 2013, you were the lieutenant?</p> <p>16 A. I was the lieutenant, yes, ma'am.</p> <p>17 Q. Got it. I understand. Let's go back to that</p> <p>18 Excel spreadsheet. You said that if he would have made</p> <p>19 notes or transferred the report, or you know, otherwise</p> <p>20 documented the need or lack of need for follow-up, it would</p> <p>21 be on some sort of a spreadsheet or some sort of a</p> <p>22 document?</p> <p>23 A. Again --</p> <p>24 MS. GRIFFIN: Objection; form and</p> <p>25 foundation.</p>

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<p style="text-align: right;">Page 42</p> <p>1 that now would be the lieutenant for that unit now, which 2 is Lieutenant Glen St. Onge. He has much more knowledge 3 than I do on this.</p> <p>4 Q. Your knowledge, I'm sure will suffice. So it's a 5 Proto page. It's a website. You log onto that.</p> <p>6 A. Right.</p> <p>7 Q. And then when you log on, you have to use your 8 particular officer's user name?</p> <p>9 A. I think so. I haven't used it in a long time. 10 I'm not out in the field. I'm not an investigating 11 detective. I don't input data into there. So I don't 12 really know how to get in there, to be honest with you.</p> <p>13 Q. Well, earlier, you were saying that the officer 14 had a user name --</p> <p>15 A. I think so --</p> <p>16 Q. -- to log on; right?</p> <p>17 A. -- but I could be wrong.</p> <p>18 MS. GRIFFIN: Can you please wait for her to 19 finish her question and then answer.</p> <p>20 Q. And then when the officer logs on, they can then 21 put in the individual's name, like Vincent Wood, for 22 example?</p> <p>23 A. Yes.</p> <p>24 Q. Because you were saying that -- I mean, I think 25 it sounds great that you no longer have these hard files.</p>	<p style="text-align: right;">Page 44</p> <p>1 flag on him, I would have to contact a particular 2 detective?</p> <p>3 A. Correct.</p> <p>4 Q. And that detective would have to look at the hard 5 paper; right?</p> <p>6 A. At their files, yes, ma'am.</p> <p>7 Q. At their files. Okay. So let me ask you about, 8 if you know, if dispatch -- if someone called dispatch and 9 said -- if Mr. Wood had been identified by name -- in other 10 words, this man, Mr. Vincent Wood, is causing a 11 disturbance, and he is 10-40, would dispatch, if you know, 12 have the ability to go into any system like -- and I'm 13 talking about July of 2013, and find his name anywhere? I 14 mean, did dispatch have access to the Share Point or the 15 Guardian system to see if this person --</p> <p>16 A. I don't know the answer to that, to be honest 17 with you.</p> <p>18 Q. No worries. That's fine. So going back to 19 Exhibit 11 that's in front of you, this SOP indicates that 20 there is a Project Guardian. Do you see that very last 21 section there? It says Project Guardian?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Do you know if this SOP has changed since there 24 is no longer Project Guardian to indicate Share Point?</p> <p>25 A. I don't think it has. This is the most recent</p>
<p style="text-align: right;">Page 43</p> <p>1 You're looking for someone and say -- so am I correct in 2 saying this officer receives a call about a particular 3 individual, and then that officer says, okay, well, I'm 4 going to put that into the system, and then the system 5 would show if he would -- another officer, detective, for 6 example, had put his name in before, that would show up?</p> <p>7 A. I think what it does is it shows the detective is 8 following up on that individual, the CIT detective is 9 following up on that individual.</p> <p>10 Q. And that CIT Share Point, that was put in place 11 roughly, you think, maybe by May or June, or before that?</p> <p>12 A. Oh, no, way longer after that. It had to be. 13 God, I want to say probably by November or December of 14 2013, it was actually in place.</p> <p>15 Q. It was fully operational and ready by November of 16 2013?</p> <p>17 A. I don't want to give you an exact date, but I 18 would say somewhere around there.</p> <p>19 Q. What about in July? What system was in place in 20 July of 2013 to track individuals such as Mr. Wood, who had 21 mental health issues?</p> <p>22 MS. GRIFFIN: Object to form.</p> <p>23 A. You would contact the CIT detective.</p> <p>24 Q. So if I wanted to know if there was a 25 particular -- if Mr. Wood was being tracked, if there was a</p>	<p style="text-align: right;">Page 45</p> <p>1 one. This is the one that's on there.</p> <p>2 Q. There is no longer -- Project Guardian is no 3 longer; correct?</p> <p>4 A. You have to contact the CIT. I don't know what 5 it is now.</p> <p>6 Q. But there is not a Project Guardian?</p> <p>7 A. We weren't using it when I was there. So I don't 8 know if they're going back to it. I don't know the answer. 9 You would have to contact either the commander or the 10 lieutenant.</p> <p>11 Q. When you first got there, and you said maybe May 12 of 2013, there was a Project Guardian; correct?</p> <p>13 A. There was, but like I say, we were transitioning 14 over to the data Share Point.</p> <p>15 Q. Do you know if there was any -- if the data that 16 was in the Project Guardian got transferred?</p> <p>17 A. I don't know.</p> <p>18 Q. Now let's turn the page to the second page, and 19 up above, it says "Recognizing Abnormal Behavior." Do you 20 see that?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Have you reviewed this already when you were 23 preparing for your deposition, or do you want some time to 24 take a look at it now?</p> <p>25 A. I can go over it now.</p>

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<p>1 Q. Okay. Great. So is this just for officers who 2 have special CIT training, or is this for all officers in 3 the academy, that they're responsible to know this? 4 A. It's for all officers. 5 Q. You don't have to have any special CIT training 6 to -- to know this? 7 A. Correct. 8 Q. Got it. So officers -- just regular field 9 officers such as Officer Bludworth are responsible for 10 knowing this particular provision of this SOP? 11 A. Correct. 12 Q. Now let's go to Page 3. Do you see where it says 13 "2-13-03, Handling the Mentally Ill, Suspected Mentally 14 Ill"? 15 A. Yes, ma'am. 16 Q. Do you see where it says "If the officer 17 determines that a subject may be mentally ill, the officer 18 will attempt to respond in the following manner: Ensure 19 that backup officers are present before taking any action." 20 Do you see that? 21 A. Yes, ma'am. 22 Q. Again, same question. Is this something that 23 field officers are responsible for knowing? 24 A. Yes, ma'am. 25 Q. Do you see where it says, "Subsection C, Calm the</p>	<p>1 Disabilities Act? 2 A. I don't remember. Like as a lieutenant, no. 3 Maybe in the academy I did. You're talking 17 years ago, 4 so I may have in the academy. I'm not sure. 5 Q. Did the American With Disabilities Act -- well, 6 let me back up and ask you a couple of questions for 7 foundation on this question. Tell me about your career 8 with APD and how you've moved up the ranks. You graduated 9 from the academy in '99; right? 10 A. Yes, ma'am. 11 Q. Tell me what you did after that. You were a 12 field service officer, I'm assuming? 13 A. Yes, ma'am. From '99 to 2001, I was a field 14 service officer. 15 Q. And then where were you assigned? What was your 16 bid? 17 A. The Southeast and the Northeast. 18 Q. And what did you do after that? 19 A. I went to the DWI Unit. 20 Q. And what were the years that you were in the DWI 21 Unit? 22 A. 2001 to 2006. 23 Q. Were you still -- is it a PIC? 24 A. Correct. 25 Q. So field services officer still with the DWI Unit</p>
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<p>1 situation, cease emergency lights and sirens, assume a 2 quiet, nonthreatening manner when approaching the subject"? 3 A. Yes, ma'am. 4 Q. Do you agree or disagree with that? 5 MS. GRIFFIN: Object to form. 6 A. When it's a call for mentally ill specifically, I 7 agree with it. 8 Q. So when you say it's a call just for mentally 9 ill, what do you mean by that? 10 A. If it's an individual where a call is -- he's 11 outside talking to an invisible person, and that's the 12 call, the neighbors are concerned for his welfare, that 13 would be an approach to me. 14 Q. So if it's a welfare call that you just 15 described, definitely that's the approach to take. What 16 about the facts that I gave you earlier, the scenario such 17 as in this case, when Mr. Wood is standing outside the 18 convenience store? And I've already told you what dispatch 19 relayed, and I'm happy to show you the call, because we 20 have it here marked as an exhibit. 21 MS. GRIFFIN: Object to form, foundation. 22 A. Again, the call was an individual putting knives 23 out, so I would have no issues with the lights and sirens 24 going to make sure everyone is okay. 25 Q. Did you receive any training on the American With</p>	<p>1 as a PIC, and what happens -- what did you do after that? 2 A. I went to the narcotics unit, special 3 investigations. 4 Q. Did you move up the ranks at that point? 5 A. No, a detective at that point. 6 Q. Okay. A detective. Is that not a move up the 7 ranks? 8 A. It's the equivalent to a PIC. 9 Q. It is? Okay. But you're no longer a field 10 service officer at that point; is that right? 11 A. Correct. 12 Q. How long were you doing that, Officer? 13 A. Two years. 14 Q. Two years. So is it fair to say 2006 to 2008? 15 A. Yes, ma'am. 16 Q. And then what about after that? 17 A. I was promoted to sergeant, back to the Field 18 Services in Valley Area Command. 19 Q. How long did you do that? 20 A. I want to say a year. 21 Q. So maybe 2008 to 2009? 22 A. Correct. 23 Q. What did you do after that? 24 A. Sergeant for property crimes. 25 Q. Any particular area command or --</p>

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